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REMARKS

In response to the Office Action mailed December 5, 2005 (hereinafter "Office Action"), claims 27, 36-38, 42-44, and 51 have been amended. No claims have been cancelled or newly added. Therefore, claims 27-61 remain pending. Support for the instant amendments is provided throughout the as-filed Specification. Thus, no new matter has been added. In view of the foregoing amendments and following comments, allowance of all the claims pending in the application is respectfully requested.

INFORMATION DISCLOSURE STATEMENT

Applicant thanks the Examiner for considering the references cited in the Supplemental Information Disclosure Statement filed on June 22, 2005, as evidenced by the signed and initialed copy of the PTO-1449 Form returned with the Office Action.

INTERVIEW SUMMARY

Examiner N. Subramanian is thanked for the courtesies extended to Applicant's representative (the undersigned) during a telephonic interview conducted on December 21, 2005. During the interview, the claim rejections under 35 U.S.C. §112, second paragraph, were discussed. As no agreement was reached during the interview, Applicant provides the following arguments traversing the rejection of claims 27-61.

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REJECTIONS UNDER 35 U.S.C. §112, SECOND PARAGRAPH

Claims 27-61 stand rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, in the Office Action (at pg. 2, ¶3), the Examiner recites:

Taken as a whole the claims recite an undue multiplicity of claims by virtue of the unreasonable number of claims presented would tend to obfuscate, confuse, and becloud the claimed invention. Because the examiner believes that in his judgment that twenty (20) claims are sufficient to properly define applicants' invention, applicants are required to select certain claims, not to exceed twenty for examination on the merits of which no more than six are independent claims, See M.P.E.P. 2173.05(n). To be complete **the non-selected claims must be cancelled** or the applicant(s) must present appropriate arguments as to why the above rejection is in error. Note also the new excess claim fees effective 12/8/04 as evidence of what is considered to be unreasonable.

It is further noted that it would appear that a multiplicity of inventions also appear to be involved and the applicants are requested to group their selection accordingly to read on a single invention that was examined in the last office action. The applicant should group the claims according to what he believes to be distinct inventions that may be restricted in a subsequent action.

Applicant traverses this rejection. The Examiner has provided no explanation to support the allegation that the 35 pending claims comprise an "unreasonable" number of claims. The Examiner has further failed to provide any explanation as to how the claimed invention has been obfuscated, confused, or "beclouded" by the number of claims presented.

Moreover, Applicant refers the Examiner's attention to the "*Response to Non-Final Office Action*," filed March 29, 2005, wherein Applicant notes (at pg. 13) that claims 27-50 were added in accordance with the Examiner's indication of allowable subject matter. Particularly, the Examiner had previously indicated that claims 3-9, 15-20, and 26 would be

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allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. *See* Paper No. 18, pg. 4, ¶6. Solely in an effort to expedite prosecution, Applicant cancelled claims 1-26 (in the March 29, 2005 Response) and, as noted above, added new claims 27-50 in accordance with the Examiner's indication of allowable subject matter. Independent claim 51 was also newly added in the March 29, 2005 Response, and Applicant presented arguments (at pg. 13 of that Response) indicating why claim 51 was believed to be allowable.

Applicant submits that the act of rewriting one or more claims (with allowable subject matter) in independent form, and presenting the rewritten claims as new claims in an Amendment creates neither the degree of multiplicity or repetition, nor the "maze of confusion" necessary to sustain a rejection under 35 U.S.C. §112, second paragraph. Applicant further notes that MPEP §2173.05(n) recites that "*[u]ndue multiplicity rejections based on 35 U.S.C. 112, second paragraph, should be applied judiciously and should be rare.*"

Finally, Applicant notes that claims 52-61, which were added by Applicant in a Supplemental Amendment filed on September 21, 2005, are all dependent claims which, Applicant contends, are allowable *at least* by virtue of their dependency on allowable independent claims, as well as for the further limitations they contain.

For *at least* each of the foregoing reasons, the rejection of claims 27-61 under 35 U.S.C. §112, second paragraph, is improper and should be withdrawn.

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CONCLUSION

Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Respectfully submitted,

By:



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